

CITY OF LODI  
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

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SUBJECT: : DISABILITY DISCRIMINATION  
*Policy*

DATE ISSUED: : May 20, 1992

SECTION: : D

REFERENCE: : Americans With Disabilities Act of 1990; The Rehabilitation Act of 1973; California Fair Employment and Housing Act.

SECTION 1: PURPOSE

The purpose of this policy is: to prohibit and eliminate any discrimination in the provision of public services and in employment against a qualified individual with a disability; to define what constitutes a "disability"; to define who is a "qualified individual with a disability"; and to define discrimination on the basis of disability.

SECTION 2: POLICY

Discrimination on the basis of disability against a qualified individual with a disability in the provision of all public services of the City of Lodi, by any employee, or contractor with the City of Lodi, is not condoned and will not be tolerated.

This policy applies to the provision of all public services, programs, and activities of the City of Lodi including, but not limited to: public transportation; the issuance of licenses and permits; parks and recreation, and community center programs; payment of utility bills, fines and fees; selection of procurement contractors; and communications.

This policy applies to the job application process and to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

All complaints of discrimination on the basis of disability will be promptly and objectively investigated. Disciplinary action up to and including termination will be instituted for behavior described in the definition of discrimination on the basis of disability set forth below.

Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

SECTION 3: DEFINITIONS

A. Disability: "Disability" is (1) a physical or mental impairment that substantially limits one or more major life activity; or (2) having a record of such an impairment; or (3) being regarded as having such an impairment.

B. Qualified Individual With A Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City of Lodi.

In terms of employment, a "qualified individual with a disability" is a person who (1) satisfies the job related requirements for the position, and (2) can perform the "essential functions" of the position despite their disability, or who (3) with or without "reasonable accommodation" can perform the essential functions of the position.

C. Discrimination on the Basis of Disability: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City of Lodi, or be subjected to discrimination by any employee, or contractor with the City of Lodi.

Discrimination in employment on the basis of disability includes, but is not limited to the following actions:

(1) To limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability;

(2) To participate in a contractual or other arrangement or relationship that has the effect of subjecting the City's own qualified applicant or employee with a disability to discrimination;

(3) To use standards, criteria or method of administration which are not job-related and consistent with business necessity, and that (a) have the effect of discriminating on the basis of disability or (b) perpetuate the discrimination of others who are subject to common administrative control;

(4) To exclude or deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationship or association;

(5) To fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;

(6) To use qualification standards, employment tests or other selection criteria that screen out an individual with a disability or a class of individuals with disabilities on the basis of disability, unless the standard, test or other selection criteria, used is shown to be job-related for the position in question and is consistent with business necessity; and

(7) To fail to select and administer tests concerning employment in the most effective manner to ensure that the test results accurately reflect the applicant's or employee's skills

or aptitude for a particular job, rather than reflect that individual's disability.